

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -MARCH 3, 2009- -7:30 P.M.

Mayor Johnson convened the Regular Meeting at 7:55 p.m.
Councilmember Matarrese led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers deHaan, Gilmore,
Matarrese, Tam, and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(09-089) Proclamation declaring March 2009 as Polio Awareness Month.

Mayor Johnson read and presented the proclamation to John Stafford, President of Alameda Rotary.

Mr. Stafford thanked Council for the proclamation; stated more work needs to be done to eradicate polio once and for all.

CONSENT CALENDAR

Mayor Johnson announced that the Minutes [paragraph no. 09-090], the recommendation to accept the Quarterly Sales Tax Report [paragraph no. 09-092], and the Final Passage [paragraph no. 09-094] were pulled from the Consent Calendar for discussion.

Councilmember Matarrese moved approval of the remainder of the Consent Calendar.

Vice Mayor deHaan seconded the motion, which carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(09-090) Minutes of the Special City Council Meeting held on February 7, 2009, the Special and Regular City Council Meetings held on February 17, 2009, and the Special City Council Meeting held on February 24, 2009.

Councilmember Tam stated that she would abstain from voting on the February 17, 2009 minutes.

Councilmember Tam moved approval of the February 7, 2009 and February 24, 2009 minutes.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

Vice Mayor deHaan moved approval of the February 17, 2009 minutes.

Councilmember Matarrese seconded the motion, which carried by the following voice vote: Ayes: Councilmembers deHaan, Matarrese, and Mayor Johnson - 3. Abstentions: Councilmembers Gilmore and Tam - 2.

(*09-091) Ratified bills in the amount of \$3,417,821.53.

(09-092) Recommendation to accept the Quarterly Sales Tax Report for the period ending September 30, 2008.

Speaker: David Howard, Alameda, submitted handout.

Councilmember Gilmore complimented the Finance Department for the report; stated the report is complete; that she is impressed with the County and State information; comparative quarters show that the City has not varied much; that she would like to have next quarter's receipts compared to this quarter receipts.

The Interim Finance Director stated the sales tax consultant advised public information could not be released if a particular category had less than three businesses; staff is in the process of revising the chart; the restaurant category saw an over 20% increase.

Councilmember Gilmore inquired whether the Harbor Bay Business Park change is because more businesses are coming in and the reverse is true of Alameda Point, to which the Interim Finance Director responded in the affirmative.

Vice Mayor deHaan stated the reoccurring decline is a concern; the State held half way stable because of service station figures, which are currently declining.

Councilmember Matarrese requested clarification on the increase in wholesale building materials which is a triple digit increase.

The Interim Finance Director stated Kohl's construction contributed to the increase; projected sales tax is \$5.2 million for this year; the figure was reduced to \$4.8 million mid year; staff hold firm that \$4.8 million will come in this year.

Councilmember Tam stated that she is impressed with the North of Lincoln Avenue and Webster Street sales tax; inquired what triggered the increase.

The Interim Finance Director responded that the next report would target geography and provide a better understanding of growth.

Councilmember Matarrese moved approval of the staff recommendation.

Councilmember Gilmore seconded the motion, which carried by unanimous voice vote - 5.

(*09-093) Recommendation to authorize the City Manager to execute Agreements with the Water Emergency Transportation Authority and Harbor Bay Maritime for the Operation of the MV Pisces.

(09-094) Final Passage of Ordinance Amending the Alameda Municipal Code by Adding Article XX to Chapter XIII (Building and Housing) and Amending Subsection 30-7.12 (Reduction in Parking Requirements for Existing Facilities) of Section 30-7 (Off-Street Parking and Loading Space Regulations) of Chapter XXX (Development Regulations), By Adding Subsection 30-7.12(c) to Allow for Reduction in Parking Requirements for Seismic Retrofit. Continued to March 17, 2009.

Speaker: Former Councilmember Barbara Kerr, Alameda, provided a handout.

Vice Mayor deHaan requested an explanation of the fee structure.

The Building Official stated the property owner would have eighteen months to provide an engineering report once notification is given; a \$750 fee would be charged once the report is submitted.

Vice Mayor deHaan inquired whether the fee would be per unit, to which the Building Official responded the fee would be per building.

Vice Mayor deHaan inquired whether a condominium would be charged as one unit, to which the Building Official responded in the affirmative.

Vice Mayor deHaan inquired why "soft story" is not included in the title.

The Building Official responded that he does not know; stated "soft story" is noted throughout the report; several articles have been written on the matter; property owners were notified of two public

workshops.

Councilmember Tam stated an apartment manager expressed some desire to have Council look at extending the time to twenty months because the magnitude of work would make it difficult for owners.

The Building Official stated the proposed ordinance would request a report within eighteen months, not that the work be done.

Mayor Johnson stated the first step is the report requirement; Council has not adopted any mandatory action yet.

The Building Official stated the only requirements would be to have the report done within eighteen months and install a shut-off valve within sixty days of notification.

Mayor Johnson stated the second part would address soft story structure issues; there is still quite a bit of time in terms of taking action.

Vice Mayor deHaan inquired whether a fee would still be charged if a determination is made that there is no impact.

The Building Official responded the property owner would have the ability to appeal before completing the report; stated there would not be a cost until the report is submitted; staff is being careful in identifying the buildings; volunteer engineers would be inspecting the buildings.

Mayor Johnson stated a speaker at the last Council meeting mentioned that he did some retrofitting and believes that his structure is sound; inquired whether the speaker could appeal before a study is performed, to which the Building Official responded in the affirmative.

Councilmember Tam inquired whether insurance companies and banks penalize property owners once the buildings are identified as soft story.

The Building Official responded insurance companies know whether a building is soft story; Berkeley and Fremont owners have been able to obtain insurance and loans.

Councilmember Matarrese moved final passage of the ordinance.

Mayor Johnson seconded the motion.

Under discussion, Councilmember Gilmore stated that she was not at

the last Council meeting; that she does not have the real flavor of the speakers' comments and is uncomfortable voting either way on the matter.

Councilmember Matarrese stated that he would withdraw his motion and defer the matter until the next Council meeting.

CITY MANAGER COMMUNICATIONS

None.

REGULAR AGENDA ITEMS

(09-095) Public Hearing to consider an appeal of the Historical Advisory Board's denial of a request to remove 2413 Buena Vista Avenue from the Alameda Historical Building Study List and denial of a Certificate of Approval to allow demolition of the structure; and

(09-095A) Resolution No. 14311, "Granting the Applicant's Appeal and Overturning the Historical Advisory Board's Denial of Planning Applications Numbers, PLN 08-0211 and PLN 02-0970, Requests to Delete 2413 Buena Vista Avenue from the Alameda Historical Building Study List and a Certificate of Approval to Allow Demolition of the Building." Adopted.

The Planning Services Manager gave a brief presentation.

Mayor Johnson opened the public portion of the hearing.

Proponents (In favor of appeal): Bill Phua, Appellant/Applicant; Hugh K. Phares, Alameda; John M. Costello, Alameda; Leonard Goode; Robb Ratto, Park Street Business Association (PSBA); Debbie George, PSBA; Donna Layburn, Market Place.

Opponents (Not in favor of appeal): Adam Garfinkle, Alameda; Patsy Paul, Alameda, (submitted comments); Rosemary McNally, Alameda; Randall Miller, Historical Advisory Board (HAB); Valerie Turpen, Alameda; Betsy Mathieson, Alameda, (submitted handout); Richard W. Rutter, Alameda Architectural Preservation Society (AAPS); Christopher Buckley, AAPS; Erik Miller, Alameda; Nancy Clark, Alameda; Melanie Wartenber, Alameda; Corinne Lambden, Alameda.

Neutral: Mark Irons, Alameda.

There being no further speakers, Mayor Johnson closed the public portion of the hearing.

Councilmember Matarrese requested information on the zoning of the

parking lots.

The Planning Services Manager stated the parking lots are zoned Commercial Manufacturing (CM).

Councilmember Matarrese inquired what the zone is for the parking lot behind the Market Place, to which the Planning Services Manager responded that he believes the parking lot is zoned CM.

Councilmember Matarrese inquired whether zoning information is part of the real estate transaction.

The Planning Services Manager responded that he does not know; stated staff would provide the information to anyone who checked with the City.

Councilmember Gilmore stated speakers spoke about the house being a labor of love; that she has no doubt that the house could be restored; the problem is finding someone to love the house; anything is possible with enough money, love and desire; inquired how many parking spaces would be needed for the proposed project and how many parking places the lot would provide.

The Planning Services Manager responded 50 parking spaces would be required for the proposed project; stated the total number of parking spaces on site is 40; 2413 Buena Vista Avenue has approximately 17 compact parking spaces.

Councilmember Gilmore requested clarification on whether 10-15% of the structure would remain original and the rest would be replicated.

The Planning Services Manager stated the engineer noted that 10-15% of the structure could remain; the remaining portion would be milled to match or would be as close as possible to what is there now.

Councilmember Gilmore inquired whether there are any rules for replication and whether it would be treated as historic preservation.

The Planning Services Manager responded a project would be considered a demolition if the entire siding was eliminated; stated replacing the siding with something that would match would be considered replacement in kind and would not trigger the demolition threshold; currently, staff is working on the wording of the historic preservation regulations.

Councilmember Tam inquired whether the house would no longer be eligible to be on the National Register of Historic Places list if 80-90% of the materials were replaced.

The Planning Services Manager responded the historic resource would not be preserved if the original siding and windows were replicated; further responded that the historic building study list was developed in late 1970's and listed properties in Alameda that were afforded historic preservation; the house no longer retains eligibility on the State list; a subsequent change in the zoning code gave historic consideration to buildings built prior to 1942.

Councilmember Tam inquired whether a demolition permit would not be needed if the house were removed from the list.

The Planning Services Manager responded in the affirmative; stated the HAB would still need to grant a Certificate of Approval because the house was built prior to 1942.

Vice Mayor deHaan stated it is hard to believe that only 10% of the building would remain in tact; the roof, siding, and interior walls would remain; a house located at 1423 Morton Street was on the historical building study list; staff recommended upholding the HAB's denial of a request to tear the house down; the only difference in tonight's situation is retail upgrading.

The Planning Services Manager stated the Buena Vista house was placed on the historical building study list because it is a Queen Anne Victorian cottage; that he feels that the house is no longer eligible for inclusion of the State Historic Resource Inventory because of deterioration, streetscape changes, and that the architect, designer and builder are unknown.

Vice Mayor deHaan stated consistency is important; inquired whether staff is helping the owner to relocate the house to the former Island High School site.

The Planning Services Manager responded the matter has been considered; stated specifics have not been discussed with the property owner.

Vice Mayor deHaan inquired whether dialogue has been closed regarding relocation.

The Planning Services Manager responded in the negative; stated the property owner is still willing to entertain proposals to relocate the house.

Vice Mayor deHaan inquired about deconstruction.

The Planning Services Manager responded the reuse of existing materials is strongly encouraged; community members have expressed an interest in reusing some of the building materials.

Vice Mayor deHaan inquired whether homes wedged in the R-5, R-2 and commercial areas would be endangered.

The Planning Services Manager responded tonight's decision would be specific to the site; stated a precedent would not be set.

Vice Mayor deHaan stated that he is hard pressed to consider removal of the house for eight spaces.

Councilmember Matarrese inquired whether there would be 17 spaces, to which the Planning Services Manager responded in the affirmative.

Vice Mayor deHaan inquired how deep is the lot, to which the Planning Services Manager responded 149.85 feet deep and 40 feet wide.

Mayor Johnson stated each case needs to be considered individually; that she was on the Council at the time of the Morton Street project; that she voted against demolition; the Morton Street project was not part of a larger project or parking issues; the owner owned the property for many years and allowed the property to deteriorate significantly.

Councilmember Matarrese stated the system is set so that each property has its own hearing; the Morton Street house was in a residential area; the Buena Vista Avenue house is in a transition zone; decisions are difficult when there is residential next to commercial activity; the Buena Vista house is isolated from residential by the fact that there is a parking lot on the southern side; there is no indication of a noteworthy resident, architect or builder.

The Planning Services Manager stated some of the architectural and historic features have deteriorated over time due to neglect; the historic neighborhood has been altered over time; the site is not associated with a historic event.

Mayor Johnson stated a number of speakers stated that they do not want the building to be demolished; however, revitalization in the area is highly dependent on parking; AAPS suggested more marketing to find someone to take the house; inquired whether the owner has

any objection.

Mr. Phua responded that he has no objection to giving away the house in a reasonable amount of time.

Mayor Johnson inquired what is the timeframe for getting permits for the rest of the project.

Mr. Phua responded as soon as the entitlement process is complete, which could be six months.

Councilmember Matarrese inquired what would be the affect on the project if the demolition were contingent on obtaining a permit for construction.

Mr. Phua responded there would not be a problem if building and demolition permits would be granted; stated other processes could make the project uncertain.

Vice Mayor deHaan inquired whether deconstruction was considered, to which Mr. Phua responded not seriously.

Vice Mayor deHaan stated deconstruction could result in a tax write off.

Mr. Pua stated that he has not studied said option.

Vice Mayor deHaan stated staff opened dialogue regarding the former Island High School site through Development Services.

The Assistant City Manager stated staff discussed the matter with the School District; the house would need to be integrated into a larger project; economics need to be reviewed.

Vice Mayor deHaan stated that he would like other alternatives to be reviewed.

Councilmember Matarrese moved approval of granting the appeal with the condition that the demolition permit not be issued until the permits for the project are pulled.

Councilmember Matarrese stated that his motion is made by weighing the benefit of preserving a house with debatable costs against the value of a retail project on Park Street to replace sales tax loss and pushing forward the north of Lincoln Avenue project for revitalizing from Lincoln Avenue to the bridge.

Vice Mayor deHaan inquired whether the motion could include a

deconstruction requirement.

Councilmember Matarrese responded the motion would include having the feasibility of deconstruction and reuse to the highest extent possible.

Vice Mayor deHaan inquired whether the motion could include efforts to relocate the building.

Councilmember Matarrese responded that the motion would encourage relocation without holding up permits.

Councilmember Gilmore seconded the motion as modified.

Under discussion, Councilmember Tam stated that she supports the motion; forcing the property owner to restore the house against his will and possibly not receiving any historical value after restoration seems to defeat the purpose of forcing a restoration on the site.

Councilmember Gilmore urged the owner to do everything possible to try and give away the house.

On the call of the question, the motion carried by the following voice vote: Ayes: Councilmembers Gilmore, Matarrese, Tam, and Mayor Johnson - 4. Noes: Vice Mayor deHaan - 1.

(09-096) Public Hearing to consider an Appeal of the Historical Advisory Board's decision to conditionally approve a Certificate of Approval to alter more than thirty percent of the value of a historically significant residential building located at 1150 Bay Street for the purpose of remodeling a previous addition and adding a front porch. The site is located within an R-1, One Family Residential Zoning District; and adoption of related resolution.

Councilmember Gilmore and Vice Mayor deHaan stated that they would recuse themselves on the matter because of living in close proximity of the subject property.

The Planner III gave a brief presentation.

Councilmember Matarrese inquired whether the existing porch is the original porch.

The Planner III responded the existing porch is the original porch but has been modified; stated the side porch entrance was removed.

Mayor Johnson opened the public portion of the hearing.

Proponents (In favor of appeal): Robert Wooley, Appellant, (submitted handout); Robert Ramos, Alameda; John Gaskill, Alameda; Sally Damson, Alameda; Dee Keltner, Alameda.

Opponents (Not in favor of appeal): Robert Mackensen, Yuba City, (submitted letter); Mark Irons, Alameda; Tricia Emerson, Alameda; Karen Thompson, Alameda; Jerry Wilkins, Custom Kitchens; Linda McKenna, Custom Kitchens, Inc.; Craig Combs, Alameda.

There being no further speakers, Mayor Johnson closed the public portion of the hearing.

Mayor Johnson requested clarification on the HAB process.

The Planner III stated there were two vacancies when the project went before the HAB; there were only three sitting members; the first time the project went to the HAB, the HAB voted two to one to deny the Certificate of Occupancy; the second time the HAB voted two to one denying the Applicant's request for Certificate of Approval; the third time the HAB voted two to one in favor of granting the Applicant Certificate of Approval.

Mayor Johnson inquired whether a minimum of three votes was needed or whether a majority of those present was needed, to which the Planner III responded a majority of those present.

Mayor Johnson inquired why the project was brought back so many times.

The Planner III responded the project was brought back a third time because after the HAB denied the Certificate of Approval, the Applicant was directed to redesign the porch and return the following month with a new design.

The Planning Services Manager stated the HAB voted to continue the item to a future meeting to allow the Applicant to go back and redesign the project.

Councilmember Matarrese stated the matter sounds like a Design Review issue, which would be handled by the Planning Board; inquired why the matter went to the HAB.

The Planner III responded the project went to the HAB because the Applicant was proposing to alter more than 30% of the building; the City's Historical Preservation Ordinance requires that the Applicant receive a Certificate of Approval from the HAB; the Applicant went to the Planning Board after receiving a Certificate

of Approval because the approved design required a side yard set back variance; in December 2008, the project went before the Planning Board for Design Review of the entire project; the Planning Board approved the project.

Councilmember Matarrese stated the ordinance needs to be revisited because the HAB was doing Planning Board work.

Ms. Damson stated that one HAB Member felt compelled to revisit the previous month's vote and she changed her vote.

The Planning and Building Director stated staff has been working on the ordinance for some time; the ordinance is almost ready; another item on tonight's agenda reflects a change in the Charter that would require a quorum of the full HAB to make a decision rather than a quorum of those present.

Mayor Johnson inquired what was the Planning Board's decision.

The Planner III responded the Planning Board granted the Applicant the variance for the side yard set back reduction and Design Review approval for the entire project, which included the porch.

Councilmember Tam stated the staff report notes that a number of porches on the block have the same design as the one proposed tonight; inquired how the designs affect the streetscape in comparison to the proposed project.

The Planner III responded 1150 Bay Street is in the middle of a uniform front yard set back of 34 and 37 feet; many neighbors would like to have the set back maintained; the set backs are less in the 1200 block.

Councilmember Matarrese inquired whether there is a reason why the porch needs to stick out beyond the roofline of the main house.

The Planner III responded the Applicant would like to utilize the front portion by incorporating French doors; stated a porch would allow an opportunity to utilize more of the front yard; the design is appropriate for the house from a functionality standpoint.

Mayor Johnson stated having porches on the side of the houses was deliberate and was the intent of the original neighborhood designers; having the porch extend is not a necessary part of the project; front yard extensions would significantly change the neighborhood.

Councilmember Matarrese stated a chalk line could be drawn down the

street; the historic context of the street should have been evaluated by the HAB rather than a Design Review.

The Planner III stated the 1200 block of Bay Street has set backs of approximately 30 feet or less; approximately twelve homes near 1150 Bay Street maintain the 34-37 foot set back; the west side of Bay Street does not have a uniform set back.

Councilmember Tam inquired whether 1115, 1128, 1134, and 1160 Bay Street have less than a 30 foot set back and have porches with similar designs.

The Planner III responded 1232 and 1114 Bay Street have a set back less than 34-37 feet; stated that he cannot confirm set backs for the other houses.

Councilmember Matarrese moved approval of granting the appeal with reference only to the seven-foot extension of the porch into the yard.

Councilmember Tam inquired what would be done with the HAB decision to grant a Certificate of Approval to alter more than 30% of the value of the building.

Mayor Johnson stated that the Appellant has indicated that the only issue is the front porch.

Councilmember Matarrese stated the motion is to uphold the appeal specific to the seven feet of the front porch area.

Councilmember Tam inquired whether the property owner could proceed if a porch was built that would not encroach seven feet.

The City Attorney responded that there is no legal issue with the fact that the design of the porch extends forward seven feet; stated there is no set back violation in the front yard; the porch design is the issue based on the 30% value of the building or alternatively the variance of the side yard set back.

Councilmember Tam stated the Planning Board considered the design review and approved the entire project, including the front porch and the variance for the front porch and reduced side yard set back.

Councilmember Matarrese stated the houses were built in a certain fashion and none of them have front porches; a similar issue occurred on Encinal Avenue; a row of three or four Victorians are viewed as historic.

Councilmember Tam stated Councilmember Matarrese's motion is formulated around a seven foot set back that is legal but is based on an appeal of a Major Design Review that is incorporated as part of the 30% alteration that was before the HAB; inquired whether a porch would be feasible without a seven foot encroachment.

Councilmember Matarrese stated that he is thinking of a side porch.

Mayor Johnson inquired why the porch needs to extend beyond the front of the house.

Mr. Combs responded the intent is to provide cover for the entry steps.

Mayor Johnson stated side porches were deliberate.

Mr. Mackensen stated the design is actually a trellis over a patio; the French doors would provide light and ventilation and need to go out somewhere; the pillars would disappear into the shrubbery and would not impose on the lawn.

Councilmember Tam stated that she cannot support the motion; the Planning Board approved the seven foot legal requirement; the Encinal Avenue situation is not the same; the Bay Street homes are not exactly the same and create a nicely landscaped corridor which can still be preserved with the proposed energy efficient improvements.

Mayor Johnson seconded the motion, which FAILED by the following voice vote: Ayes: Councilmember Matarrese and Mayor Johnson - 2. Noes: Councilmember Tam - 1. Abstentions: Vice Mayor deHaan and Councilmember Gilmore - 2.

The City Attorney stated three votes are required in order to take action; two Councilmembers announced conflict on the matter; the lower [HAB] decision will stand.

(09-097) Resolution No. 14312, "Revising the Memorandum of Understanding Between the Alameda Police Officers Association and the City of Alameda for the Period Commencing January 6, 2008 and Ending January 2, 2010." Adopted.

Mayor Johnson called a recess at 11:27 p.m. and reconvened the Regular Meeting at 11:31 p.m.

The Human Resources Director gave a brief presentation.

Councilmember Matarrese stated that he is pleased to have an agreement; thanked the Police Officers Association for helping with the City's fiscal needs; expressed appreciation to the negotiating team.

Councilmember Tam echoed Councilmember Matarrese's appreciation to the Police Officers Association and negotiating team.

Councilmember Tam moved adoption of the resolution.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(09-098) Introduction of Ordinance Amending Alameda Municipal Code Subsection 30-4.1 (R-1, One-Family Residence Districts) of Section 30.4 (District Uses and Regulations) of Article I (Zoning Districts and Regulations) Chapter XXX (Development Regulations) By Deleting Subsection 30-4.1 in Its Entirety and Replacing with a New Subsection 30-4.1 to Allow Ministerial Approval of Secondary Units on Sites Having a Single-family Dwelling and Meeting Specific Standards. Introduced.

The Planning Services Manager gave a brief presentation.

Councilmember Matarrese requested clarification of the ownership provision and conformance with State law.

The Planning Services Manager stated State law allows a city to require owner occupancy on site of a second unit; people want to see the requirement in the regulations in order to preserve the character of the single family neighborhood; an owner living on the site might be more responsive to any concerns.

Councilmember Tam inquired whether there would be an exception if an owner had to relocate for a short period of time.

The Planning Services Manager responded the Code provides an exception of two years.

Councilmember Tam inquired how realistic it would be to monitor owner occupancy of the secondary unit; further inquired whether the matter would be monitored through complaints.

The Planning Services Manager responded complaints would be one way to monitor; stated another way would be to send out annual certification letters.

Councilmember Gilmore inquired what would be the penalty for non-compliance.

The Planning Services Manager responded staff would need to come back to Council for a monetary penalty; stated initially, enforcement action would be taken; ultimately, citations would be issued which would be difficult.

Councilmember Gilmore inquired whether an owner would need to ensure that a person buying a property would live on the site; further inquired whether the City would advise the owner of record that both units could not be rented out.

The Planning Services Manager responded in the affirmative; stated the City would require the property owner to put a deed restriction on the property; the owner would be required to live on the site.

Councilmember Gilmore suggested that the owner-occupancy requirement be removed.

Councilmembers Matarrese and Tam concurred with Councilmember Gilmore.

Councilmember Matarrese inquired whether staff would bring back the ordinance with the owner-occupancy requirement removed, to which the Planning Services Manager responded in the affirmative.

Councilmember Matarrese moved introduction of the ordinance.

Councilmember Gilmore seconded the motion, which carried by unanimous voice vote - 5.

Mayor Johnson clarified that the motion included removal of the owner occupied requirement.

The Planning Services Manager stated Standard T would be removed.

(09-099) Introduction of Ordinance Amending Various Sections of the Alameda Municipal Code Contained in Chapter II Article I Pertaining to City Council Meetings, Chapter II Article II Pertaining to the Historical Advisory Board, and Amending Ordinance No. 1082 As Amended by Ordinance No. 2497 Pertaining to an Existing Pension Fund. Introduced.

Councilmember Gilmore moved introduction of the ordinance.

Councilmember Matarrese seconded the motion, which carried by

unanimous voice vote - 5.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATION

(09-100) Consideration of Mayor's nomination for appointment to the Social Service Human Relations Board.

Mayor Johnson nominated Ardella Dailey for appointment to the Social Services Human Relations Board.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the meeting at 11:47 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -MARCH 3, 2009- -6:00 P.M.

Mayor Johnson convened the Special Meeting at 6:00 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore,
Matarrese, Tam, and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(09-086) Conference with Legal Counsel - Existing Litigation
(54956.9); Name of case: Alameda Gateway Ltd. v. City of Alameda.

(09-087) Conference with Labor Negotiators; Agency negotiators:
Craig Jory and Human Resources Director; Employee organizations:
Alameda Police Officers Association (APOA).

(09-088) Conference with Labor Negotiator (54957.6); Agency
Negotiator: City Attorney; Name: City Manager.

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced that regarding Litigation, Council received a briefing from Legal Counsel and gave direction to Legal Counsel regarding its defense; regarding APOA, Council received a briefing from its Labor Negotiators regarding the status of Contract negotiations; and regarding City Manager, Council provided negotiating parameters to Legal Counsel.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 7:45 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL COMMUNITY IMPROVEMENT COMMISSION MEETING
TUESDAY- -MARCH 3, 2009- -7:31 P.M.

Chair Johnson convened the Special Meeting at 11:47 p.m.

ROLL CALL - Present: Commissioners deHaan, Gilmore, Matarrese, Tam, and Chair Johnson - 5.

Absent: None.

CONSENT CALENDAR

Chair Johnson announced that the Minutes [paragraph no. 09-07] were pulled from the Consent Calendar for discussion.

Commissioner deHaan moved approval of the remainder of the Consent Calendar.

Commissioner Tam seconded the motion, which carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(09-07) Minutes of the Special Joint Alameda Reuse and Redevelopment Authority and CIC Meeting held on February 3, 2009.

Commissioner Gilmore stated that she does not recall that the Façade Grant Program has any money; inquired whether the \$800,000 would be split between water repairs and electrical upgrades.

The Development Services Director responded \$150,000 would go towards water repairs; \$200,000 would be used from interest earnings from the 2003 Merged Bond to pay a portion of the \$450,000 in water repairs; \$200,000 would be taken from the Fleet Industrial Supply Center revenue and transferred to the Façade Grant Program; the staff report incorrectly noted \$750,000 instead of \$800,000.

(*09-08) Resolution No. 08-158, "Referring the Proposed Ninth Amendment to the Community Improvement Plan for the Business and Waterfront Community Improvement Project and the Proposed Seventh Amendment to the Community Improvement Plan for the West End Community Improvement Project to the Planning Board for Report and Recommendation and to the Economic Development Commission for Review and Consideration." Adopted.

AGENDA ITEM

(09-09) Update on the Alameda Landing Project and presentation by Catellus.

The Base Reuse and Community Development Manager gave a brief presentation.

(09-10) Commissioner Matarrese moved approval of continuing the meeting past midnight.

Mayor Johnson seconded the motion, which carried by the following voice vote - Ayes: Commissioners deHaan, Gilmore, Matarrese, and Chair Johnson - 4: Noes: Commissioner Tam - 1.

Tom Marshall, Catellus Managing Director, gave a brief update.

Commissioner deHaan stated seeing Target in the mix is nice; that he is fearful of a stand-alone project; surrounding businesses would be cookie cutter in nature.

Mr. Marshall stated just having a Target makes no economic sense; Target is an important component to the project; a collective decision needs to be made regarding moving forward with Target or do nothing at all.

Commissioner deHaan inquired what safe guards are in place to ensure a necessary level of development.

Mr. Marshall responded the site plan is an old site plan that has Target laid out with the rest of the center; stated the rest of the center is in jeopardy, which is a temporary situation.

The Assistant City Manager stated whatever is built would still need to comply with the Site Plan; the Disposition and Development Agreement has timelines; default would occur if development did not occur within the timelines and the project would be taken back and remarketed to a different developer; a market cannot be guaranteed.

Commissioner deHaan stated check off points need to be met; retail types need to be reviewed; focus cannot be lost.

Mr. Marshall stated tenant enthusiasm has cut back within the last nine months; having a Target partially pays for the Webster Street/Wilver "Willie" Stargell Project.

Commissioner deHaan stated check off points need to be met; that he does not want to have Target surrounded by tumbleweeds.

Commissioner Matarrese concurred with Commissioner deHaan;

requested continual updates on milestones.

Mr. Marshall stated a Purchase and Sale Agreement could happen late spring and would start the Target process; a binding deal would not happen until the end of the year; pursuing a Target requires a significant amount of money.

Chair Johnson stated looking at phasing adjustments makes sense; that she is not hearing that Catellus is giving up on the rest of the project; Target is an important tenant.

Mr. Marshall stated Catellus has an alternative first phase and views the project as mixed use.

Mayor Johnson inquired what would be the projected Target revenues, to which the Base Reuse and Community Development Manager responded approximately \$225,000.

Commissioner deHaan inquired whether Target would be approximately 80,000 square feet, to which Mr. Marshall responded a little larger.

Commissioner deHaan inquired whether Clif Bar is still a possibility.

Mr. Marshall responded that Clif Bar is pursuing another opportunity on the Island and got caught up in the peanut recall.

Commissioner Tam inquired whether Catellus has no funding for the Webster Street/Wilver "Willie" Stargell Project unless the Target project moves forward, at which point Catellus would be able to leverage and capitalize the infrastructure for the street or demolition and horizontal infrastructure to provide service for Target.

Mr. Marshall responded Catellus' obligation to complete improvements to support retail commences when demolition starts; the Webster Street/Wilver "Willie" Stargell Project is required to for retail; Catellus' commitment is commensurate to the amount of initial retail.

Commissioner deHaan stated times are tough; open communication is very important; Catellus is important to the City.

Mr. Marshall stated that Sean Whiskeman, Catellus Vice President, is a good resource for specific questions regarding retail.

ADJOURNMENT

(09-11) There being no further business, Chair Johnson adjourned the meeting at 12:17 a.m. in memory of former Police Officer Robert Davey, Jr.

Respectfully submitted,

Lara Weisiger
Secretary

The agenda for this meeting was posted in accordance with the Brown Act.